



U.S. Immigration
and Customs
Enforcement

January 30, 2012

MUCKROCK NEWS
ATTN: MICHAEL MORISY
DEPT MR 1058
P.O. BOX 55819
BOSTON, MA 02205-5819

RE: ICE FOIA Case Number 2012FOIA5411

Dear Ms. Morisy:

This is the final response to your Freedom of Information Act (FOIA) request to the Immigration and Customs Enforcement (ICE), dated January 30, 2012 for any investigative reports, memos or other documentation regarding the arrest, investigation, or detainment of Leigh Van Bryan and Emily Blunting.

Your request has been processed under the FOIA, 5 U.S.C. § 552.

With respect to the individuals named in your request, lacking their consent, an official acknowledgement of an investigation of them, or an overriding public interest, even to acknowledge the existence of such records pertaining to these individuals could reasonably be expected to constitute an unwarranted invasion of their personal privacy. Accordingly, I have determined to neither confirm nor deny the existence of responsive records on the individuals or entities mentioned in your request. If any records existed they would be exempt from disclosure pursuant to Exemption 6 and/or 7(C) of the FOIA.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right privacy. The type of documents and/or information that we have withheld consists of information belonging to a third party that is considered personal. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

FOIA Exemption 7(C) protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong

privacy interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate. As such, I have determined that the privacy interest in the identities of individuals in the records you have requested clearly outweigh any minimal public interest in disclosure of the information. Please note that any private interest you may have in that information does not factor into this determination.

You have the right to appeal our withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter to: Immigration Customs Enforcement, Office of Principal Legal Advisor, U.S. Department of Homeland Security, 500 12th Street, S.W., Stop 5009, Washington, D.C. 20536, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge.¹

If you need to contact our office about this matter, please refer to case number **2012FOIA5441**. This office can be reached at (202) 732-0600 or (866) 633-1182.

Sincerely,



Catrina M. Pavlik-Kecnan
FOIA Officer

¹ 6 CFR § 5.11(d)(4).